

admissions are increasing which has put us in high transmission. As we continue to have better weather we will be outdoors more for events and less confined to indoor spaces. A question was asked about testing at events. CDC does not state to test before events, but it is a smart way to mitigate transmission along with mask recommendation. While masks were mandated flu numbers plummeted but as soon as we transitioned into optional masking flu cases have continued to increase and because of this we are having a late flu season. Testing frequently is beneficial in the presence of symptoms and high transmission. Any mitigation strategy is helpful over no mitigation. Currently there is no requirement to mask, but it is recommended.

We are working full speed ahead on the Health Fair which is scheduled for 6/11/22 from 11am – 3pm. Dr. Santiago just recorded both English and Spanish radio spots with Town Square Media and currently we have over 60 exhibitors. Dr. Nelson-Perron is participating with Nuvance and unfortunately the other members of the Board of Health are not available.

COMMITTEE REPORTS

ANTI-OBESITY – No report

HEALTH DISPARITIES – No report

SANITARY CODE – Marie-Pierre Brule and Monique Jones presented on the proposed changes Article 25 of the Sanitary Code. Article 25 regulates Tobacco, Cigarette and Cigarette-Like Products. Most of the changes are to reduce duplication with the NYS Sanitary Code, close loopholes, and reduce workload. Article 13F of the NYS Public Health Law regulates Tobacco products, herbal cigarettes and smoking paraphernalia, and distribution to minors under the age of 21. It has been updated prohibit the sale of flavored nicotine products to anyone and establishes penalties, both civil and loss of licensure. The Dutchess County Article 25 is to enforce NYS Article 13F. We currently have a local permitting process and procedures for monitoring those permitted establishments under the ATUPA (Adolescent Tobacco Use Prevention Act) program. Some of the revisions include expanding the types of products including vaping products and updating definitions. Cannabis is not included because currently we are not tasked with the responsibility of enforcement; that was given to the Office of Cannabis Management, and they haven't developed anything regarding enforcement. A question was asked regarding the amount of enforcement that is done under this Article and Ms. Jones stated that fines are issued regularly because we work hard on enforcement. The next step for approval is to hold a public hearing which is advertised in the legal notices. After the public hearing we wait for 30 days for written comment to be received and then the Board of Health can vote to approve the changes. Once that happens, the written changes are sent to the NYS for notification. Mr. Nelson made a motion to hold a public hearing on the changes to Article 25 at 3pm on June 16, before the regular Board of Health Meeting. The motion was seconded by Mr. Fallon and passed unanimously.

LEGISLATIVE REPORT – Approved grant funding \$60,000 from OMH for Workforce Development/Training and \$100,000 in MAT funding at Justice Transition Center. Looking to

purchase 26 Oakley Street for Homeless Shelter following the example for Bergen County, NJ, that reduced the homeless population there.

NEW/OLD BUSINESS

COVID – Ms. Smith, DBCH Epidemiologist, gave an updated report of COVID-19 with data through the end of April. There is an increase Admission Rate and Case Rate which has put us in the High level according to CDC definitions. Fully boosted numbers and case rates remain lower in comparison to unvaccinated. Vaccination rates remain stagnant and the younger age groups are lagging. Death rate has slowed considerably. Mr. Fallon mentioned that he has been getting more calls and patients have been sicker than before. He has had patients that have benefited with Paxlovid and then rebounded a few days later. Dr. Santiago stated that they may be looking at extending the length prescribed time for Paxlovid. It is currently 5 days of medication, and some patients are rebounding 3 – 7 days later. Likely this is not a new infection, but fortunately they still aren't showing signs of requiring hospitalization. So maybe a change in dosage or length of time prescribed.

Ms. Smith and Ms. Sacasa Wisniewski also prepared some data on Maternal and Infant Health in Dutchess County. From 2017 – 2019 there was 0 cases of maternal mortality but there were 34 infant deaths. Dutchess County had the highest rate of infant deaths compared to other counties in the region in this period. Black/Non-Hispanic infants die 3 times more than white with the birth defects being the number one cause. The Mid-Hudson Region has seen an increase in premature births with Dutchess County having the highest percentage between 2017 – 2019. The data is older and this particular data takes a while to be released. Birth and Death Data is considered Vital Statistics and goes to NYS for reporting and there is a 3-year lag in the data. Ms. Smith requested any specific requests for data be made emailed to her at asmith@dutchessny.gov.

MOTION TO ADJOURN: Mr. Nelson made a motion to adjourn the meeting, Dr. Fil seconded, all were in favor and the meeting adjourned at 5:04 p.m.

NEXT SCHEDULED MEETING: Thursday, June 16, 2022

2022 EXECUTIVE POSITIONS FOR THE BOARD OF HEALTH

Dr. Lobsang T. Lhungay – President
David McNary – Vice President
Marc Nelson – Secretary

Minutes signed by:


Marc Nelson
Secretary of the Board of Health


Wendy Cady
Recording Secretary

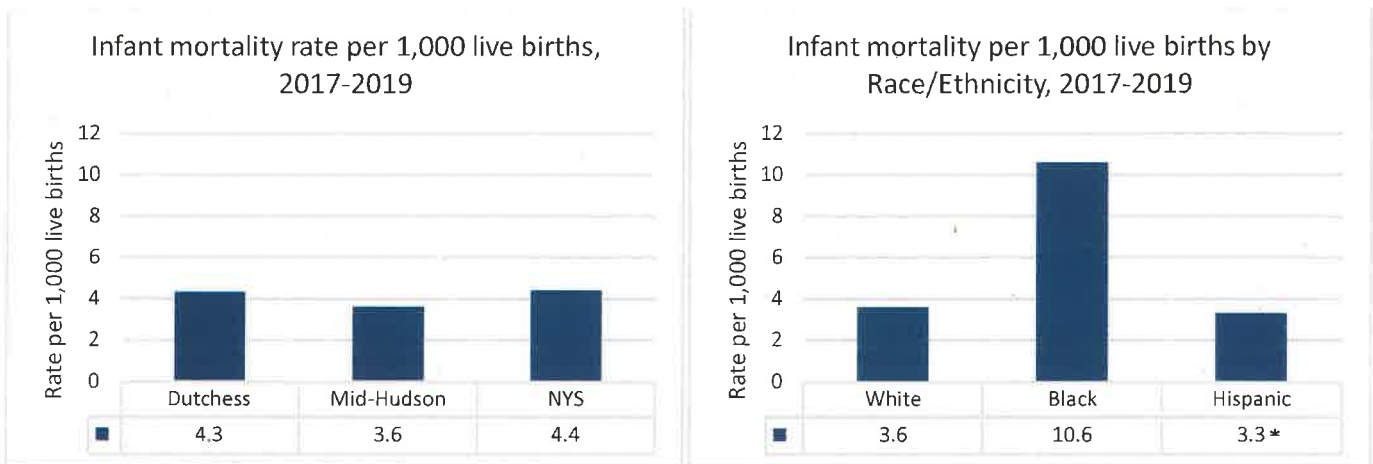
Maternal and Infant Health in Dutchess County

Maternal Health

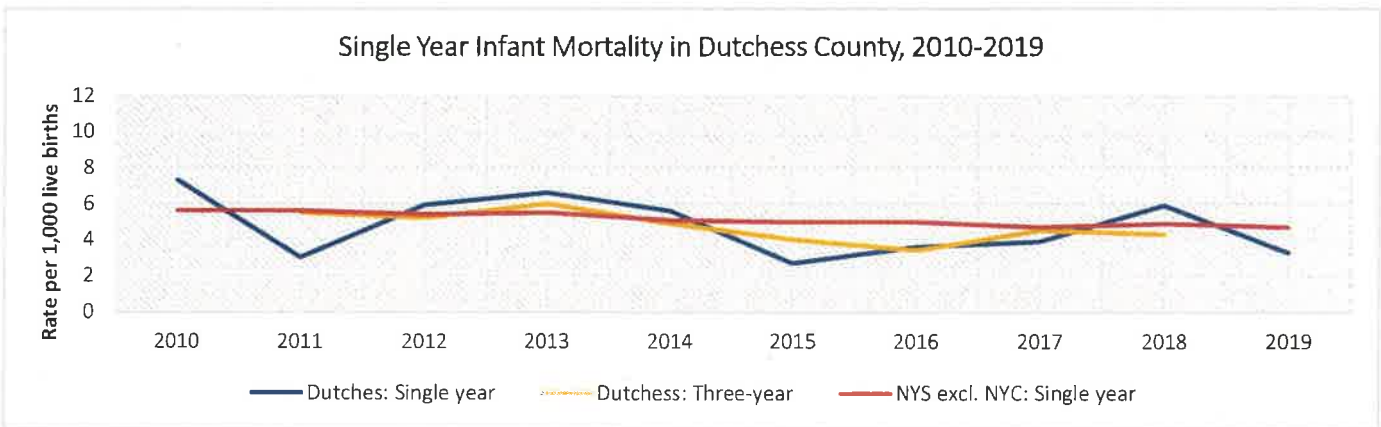
In 2017-2019 Dutchess County had **0 cases** of maternal mortality.

Infant Health

34 infant deaths occurred in Dutchess County in between 2017-2019. **Dutchess County had the highest rate of infant deaths compared to other counties in the Mid-Hudson Region in this time period, though it dropped between 2018 and 2019.**

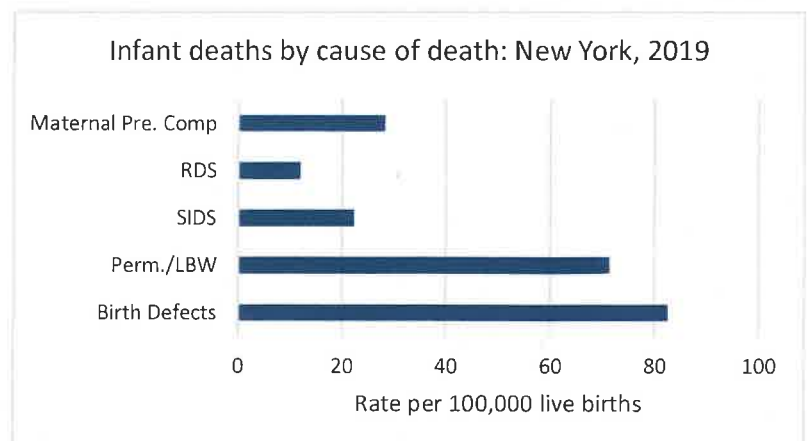


*RATE IS UNSTABLE

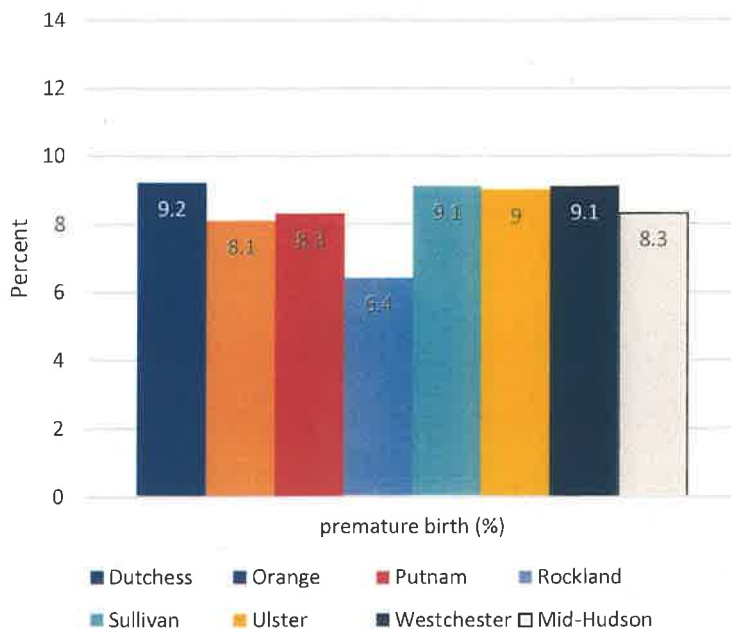


The five leading causes of infant mortality in the United States, 2018

1. Birth defects.
2. Preterm birth and low birth weight.
3. Injuries (e.g., suffocation).
4. Sudden infant death syndrome.
5. Maternal pregnancy complications.



Percent premature births, 2017-2019



According to Healthy People 2030 premature birth percentages are getting worse nationwide. Dutchess County had the highest percent of premature birth in the Mid-Hudson Region between 2017-2019.

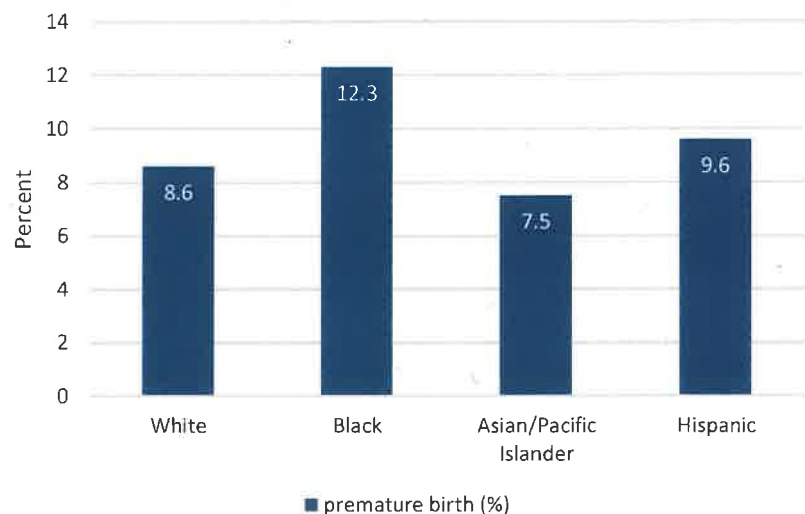
The causes of preterm birth are not completely understood, but some associated factors include:

- Teens and women over age 35
- Black race
- Women with low income
- Prior preterm birth
- Infection
- Carrying more than one baby
- Tobacco use
- Substance use
- stress

Birth Defects: Prevalence per 10,000 Births, 2012-2014

Dutchess	266.68
Orange	309.23
Putnam	350.45
Rockland	334.42
Sullivan	245.04
Ulster	302.58
Westchester	287.64
NYS	287.31
NYS excl. NYC	294.63

Percent premature births by race/ethnicity, 2017-2019

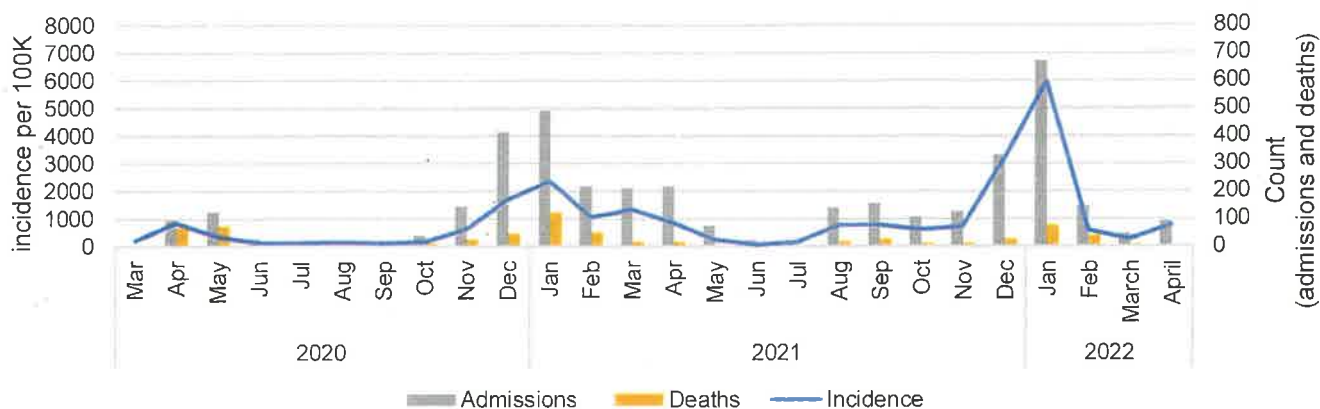


References

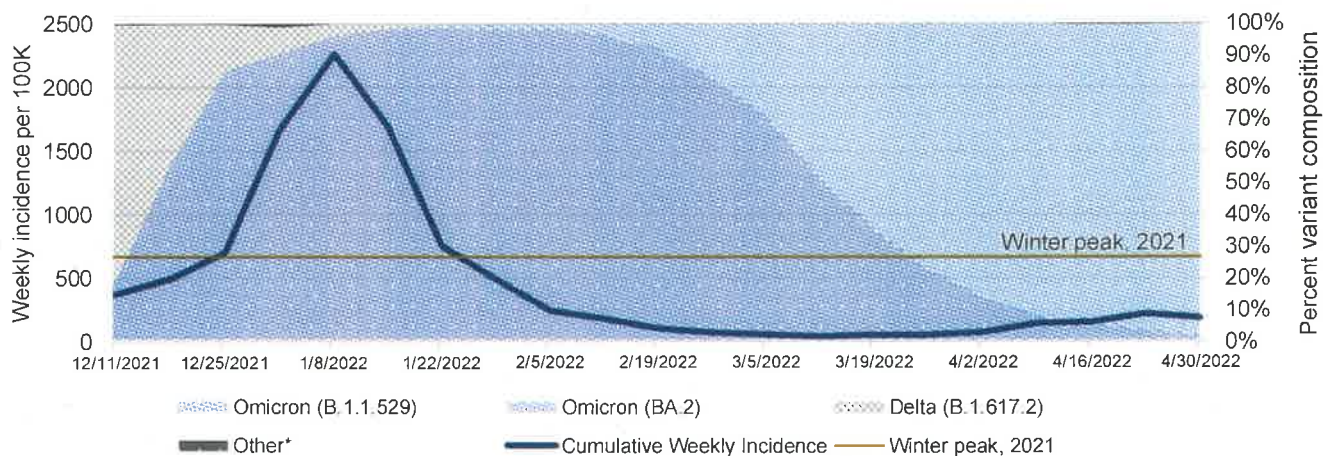
- <https://www.marchofdimes.org/peristats/data?top=6&lev=1&stop=112®=99&sreg=36&obj=1&slev=4>
- <https://www.cdc.gov/reproductivehealth/maternalinfanthealth/pdf/preterm-birth/Pre-term-Factors-Infographic.pdf>
- https://apps.health.ny.gov/statistics/environmental/public_health_tracking/tracker/index.html#/bdcountyTable/2012-2014
- <https://www.health.ny.gov/statistics/community/minority/county/dutchess.htm>
- https://webbi1.health.ny.gov/SASStoredProcess/guest?_program=%2FEBI%2FPHIG%2Fapps%2Fchir_dashboard%2Fchir_dashboard&p=c&cos=13
- <https://health.gov/healthypeople/objectives-and-data/browse-objectives/pregnancy-and-childbirth/reduce-preterm-births-mich-07>

Covid-19 in Dutchess County

Covid-19 in Dutchess County, March 2020 - April 2022



Weekly Incidence of Covid-19 in Dutchess County & Region 2 Variant Composition



PERCENT ELIGIBLE POPULATION BOOSTED IN DUTCHESS COUNTY MAY 15, 2022

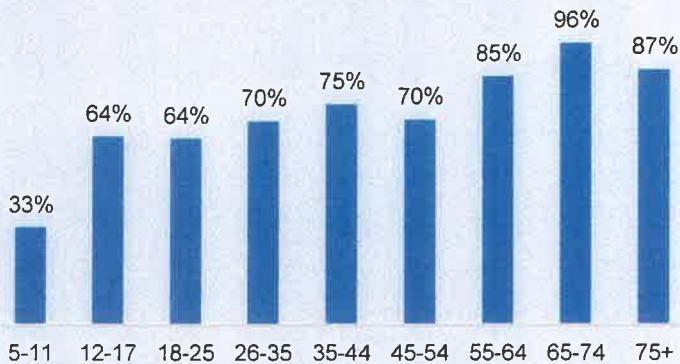


PERCENT POPULATION WITH FIRST DOSE IN DUTCHESS COUNTY MAY 15, 2022



Vaccinations

Percent Dutchess County Residents with Completed Vaccine Series by Age Group as of May 14, 2022



Dutchess County Sanitary Code

Article 25 revisions

REGULATION OF TOBACCO, HERBAL AND ELECTRONIC CIGARETTES, SMOKING PARAPHERNALIA, AND VAPOR PRODUCTS

Section 25.1 Legislative findings.

The Dutchess County Board of Health ("Board of Health") finds and believes, after careful study and deliberation, that it has a substantial and important interest in reducing the incidence of illegal acts relating to the sale of tobacco products, herbal cigarettes, liquid nicotine, shisha, electronic cigarettes, or smoking paraphernalia, especially to persons under the age of 21. Therefore, it is in the public interest to encourage dealers of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products to comply with the law, to discourage minors from being enticed into violating the law, and to protect the health of such minors by prohibiting the sale of tobacco, and vapor products to minors.

Section 25.2 Definitions

- A) The term "ATUPA" shall mean the New York State Adolescent Tobacco-Use Prevention Act.
- B) The term "Dealer" of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products means the owner or operator of any establishment or facility where the sale and/or distribution of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, vapor products, or other products that now, and henceforth, may be incorporated in Article 13-F of the New York State Public Health Law occurs. Such sale or distribution shall include vending machines.
- C) The term "herb" means any smokable plant product.
- D) The term "Permit Issuing Official" shall mean the Dutchess County Commissioner of Behavioral & Community Health or the appointed designee.

- E) The term “possess” means to have physical possession or otherwise to exercise dominion or control over tangible property.
- F) Other definitions found in New York State Tax Law Articles 20, New York State Tax Law Articles 28-C, New York State Public Health Law Article 13-E and New York State Public Health Law Article 13-F and any subsequent revisions are hereby incorporated as definitions applicable to this Article of the Dutchess County Sanitary Code.

Section 25.3 Permit Required

A) Every Dealer of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products in Dutchess County shall possess a valid Permit issued by the Permit Issuing Official for each location and/or event at which tobacco product, herbal cigarette, electronic cigarette, shisha, smoking paraphernalia, or vapor product sales or distribution occurs. “Private Clubs” as defined in Article 13-F, Section 1399-aa, of the New York State Public Health Law are exempted from this Section and all other provisions of this Article.

B) Every dealer of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products in Dutchess County shall comply with the licensing requirements of the New York State Department of Taxation and Finance for each location and/or event at which tobacco product, herbal cigarette, electronic cigarette, shisha, smoking paraphernalia, or vapor product sales or distribution occurs.

C) Not less than 14 days before starting operation as a dealer of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products, an application for a permit is to be submitted to the Permit Issuing Official. This application is to be completed in full on forms acceptable to the Permit Issuing Official. The application shall be accompanied by payment of the prevailing fee.

D) Each Dutchess County Permit to operate shall expire two (2) years from the date of issuance, except as may otherwise be set forth on the Permit.

E) Each Dutchess County Permit to operate issued pursuant to this Article is nontransferable from one owner or operator to another, or from one establishment location to another.

F) An application, completed in full, for renewal of a Dutchess County permit to operate shall be made at least thirty (30) days prior to expiration of the current permit on forms acceptable to the Permit Issuing Official. An application for a renewal permit to operate shall be accompanied by payment of the current fee.

G) The Department may withhold, suspend, or revoke a Dutchess County Permit to operate if it finds that:

- 1) the information submitted in the application is incorrect or incomplete; or
- 2) the fee for application and/or the Dutchess County Permit to operate has not been paid as required; or
- 3) the applying Dealer has not submitted the forms as required by Workers' Compensation Law Section 57 and 220[8]; or
- 4) the applying Dealer is not operating in compliance with all provisions of the New York State Tax Law, Articles 20 and 28-C, the New York State Public Health Law, Article 13-F, and this Article.

Section 25.4 Standards and Requirements

- A) Dealers shall comply with all provisions of The New York State Tax Law, Articles 20 and 28-C, The New York State Public Health Law, Article 13-F, and this Article.
- B) A valid Dutchess County Permit to operate a retail tobacco, and/or vapor product business must be posted in a conspicuous manner clearly visible to the public by the Dealer at each location where tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, and/or vapor product sale or distribution occurs.
- C) In addition to the requirements of the ATUPA regulations, every Dealer in Dutchess County shall conspicuously place a sign produced and supplied by the Dutchess County Department of Behavioral & Community Health stating "Tobacco Use Harms You and Loved Ones Now. It may Kill You Later", or other sign approved by the Commissioner of Behavioral & Community Health.

Section 25.5 Inspections, Violations, Enforcement, and Penalties

- A) The Permit Issuing Official may conduct regular inspections of an establishment to determine if a Dealer of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products is in compliance with New York State Public Health Law, Article 13-F and this Article.
- B) A Dealer of tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products shall comply with the provisions of Dutchess County Sanitary Code, Article 4.
- C) Selling, or offering for sale tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products without a valid and appropriately displayed permit issued by the Department constitutes a violation of this Article.
- D) Enforcement and penalties will follow procedures and schedules prescribed in New York State Public Health Law, Article 13-F and Dutchess County Sanitary Code, Article 4, except as indicated below:
 - a. In addition to the civil penalties prescribed in The New York State Public Health Law, a Dealer is subject to a 48-hour suspension of its Dutchess County permit to operate following an administrative hearing resulting in fewer than three (3) points.
 - b. Additionally, when it is determined after an administrative hearing that a sale to an underage individual occurred at an establishment, a sign issued by the Department shall be placed at the entrance of the business stating, "This business sold a tobacco product, herbal cigarette, electronic cigarette, shisha, smoking paraphernalia, or vapor product to an underage individual and may not sell these products from ____ to ____." (specified date and time)

Section 25.6 School Reporting

A) Every school year, each school district within this County shall file with the Dutchess County Department of Behavioral & Community Health a written policy and procedure related to compliance with New York State Public Health Law, Article 13-E and this Article. The policy and procedure must be filed no later than the last day of September of each calendar year and shall contain, at a minimum:

- 1. Name, business address and phone number of the school district Superintendent.

2. Name, business address and phone number of the school district designated enforcement officer for each school.
3. Procedure and method for providing training and educational material to school employees and students on the requirements of The New York State Public Health Law Article, 13-E and Dutchess County Sanitary Code, Article 25 Sections, 25.6, 25.7.
4. The school district's administrative process for enforcement of Article 13-E of The New York State Public Health Law and The Dutchess County Sanitary Code, Article 25, including, but not limited to the following:
 - a. written documentation for each incident (violation) on a form provided by and/or approved by the Department of Behavioral & Community Health. Said form is to be kept on file by the school until the offender is no longer enrolled in the school district.
 - b. procedures for and method of discipline and notification to the parent and/or legal guardian.
 - c. procedure for referral to the Dutchess County Department of Behavioral & Community Health for enforcement after the third incident (violation) has occurred during the school year.

B) Every elementary, middle, and high school shall file a report with the Dutchess County Department of Behavioral & Community Health on the violations of The New York State Public Health Law, Article 13-E, Section 1399-o, and this Article, which occurred on school grounds. The report shall be made twice each school year, and the reporting periods shall be September 1 to January 31, and February 1 to August 31 of each calendar year. The report shall include, but is not limited to, the following:

1. the number of persons who committed a violation;
2. the number of separate violations for each person reported in Item 1;
3. the sex and age of each violator;
4. the location of each violation;
5. the type of violation (smoking, vaping, or possession);
6. the type of product (tobacco, herbal cigarette, electronic cigarette, shisha, smoking paraphernalia, or vapor product); and
7. where each person who committed a violation obtained or purchased the product, if known.

Section 25.7 Possession and Use on School Property

Smoking or vaping shall not be permitted, and no person shall use tobacco products, herbal cigarettes, electronic cigarettes, shisha, or vapor products on school grounds at any time, whether when school is in session, or during non-school hours. No one under 21 years of age shall be permitted to possess tobacco products, herbal cigarettes, electronic cigarettes, shisha, smoking paraphernalia, or vapor products on school grounds.

Section 25.8 Severability

If any clause, sentence, paragraph, subdivision, section, or part of this regulation or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this regulation, or its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

Article 25

TOBACCO, CIGARETTE, AND CIGARETTE-LIKE PRODUCTS

Section 25.1 Statement & Scope

The Dutchess County Board of Health does hereby amend and enact the Dutchess County Sanitary Code as follows, herein.

WHEREAS, the prevention of adolescent tobacco product use is detailed in Article 13-F of the Public Health Law of the State of New York, known as the Adolescent Tobacco-Use Prevention Act (ATUPA), which expressly prohibits the sale of tobacco products or herbal cigarettes, rolling papers or pipes to minors; and

WHEREAS, the Commissioner of Behavioral & Community Health of Dutchess County has the duty to enforce the provisions of ATUPA and the Dutchess County Board of Health encourages the Commissioner to utilize his/her time to reduce the prevalence of tobacco use and addiction as well as tobacco smoke exposure in Dutchess County; and

WHEREAS, the Dutchess County Board of Health promulgates the Sanitary Code which the Commissioner also has the duty to enforce; and

WHEREAS, the Dutchess County Board of Health desires the Commissioner to effectively and efficiently enforce ATUPA by limiting and preventing access to tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product by persons under eighteen years of age, and prohibit the sale of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product to said persons; and

WHEREAS, the number of adolescent tobacco users nationwide has recently been demonstrated statistically to be increasing in the United States as detailed in the Morbidity and Mortality Weekly Report (November 18, 1994, Vol. 43, No. SS-3) of the Centers for Disease Control and Prevention (CDC) of the U.S. Department of Health and Human Services; and

WHEREAS, based on the United States Surgeon General's 1994 Report, that most persons under the age of 18 who use tobacco products are addicted to nicotine and are thus compelled, to a degree, to attempt to purchase more tobacco products, participating in an illegal act; and

WHEREAS, the U.S. Food and Drug Administration reports that electronic cigarettes, which may contain nicotine, could increase nicotine addiction and tobacco use in young people; and

WHEREAS, a local permit requirement is necessary to more systematically monitor compliance with ATUPA to ensure that dealers of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products are thoroughly educated about their responsibilities under ATUPA and to ensure that an educational sign regarding the health risks of using tobacco products, produced by the Dutchess County Department of Behavioral & Community Health, is properly placed; and

WHEREAS, in-store monitoring measures are necessary to maximize store owner accountability and to minimize distribution of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products to minors with or without charge; and

WHEREAS, the Dutchess County Board of Health finds and believes, after careful study and deliberation, that Dutchess County has a substantial and important interest in reducing the incidence of illegal acts relating to the sale of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products to persons under the age of 18; and

WHEREAS, the New York State Legislature has found that "there is a substantial body of scientific research showing that breathing secondhand smoke is a significant health hazard for non-smokers," and the Dutchess County Board of Health seeks to protect the health of all of the residents of Dutchess County, including those under 18 years of age; and

WHEREAS, a recent survey done by the Dutchess County Department of Behavioral & Community Health revealed that over 55% of local high school students have used tobacco products, of which 57% first tried tobacco products before the age of 14 and over 92% first tried tobacco products before the age of 16.

Section 25.2 Definitions

- A) The term "Permit Issuing Official" shall mean the Dutchess County Commissioner of Behavioral & Community Health or the appointed designee.
- B) Other definitions found in the New York State Tax Law Section 470 and New York State Public Health Law, Article 13-E and Article 13-F Section 1399-aa are hereby incorporated as definitions applicable to this Article of the Dutchess County Sanitary Code.
- C) The term "Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products" means the owner or operator of any establishment or facility where the sale and/or distribution of tobacco products or

herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products occurs, including vending machines.

- D) ATUPA shall mean the New York State Adolescent Tobacco-Use Prevention Act.
- E) "Possess" means to have physical possession or otherwise to exercise dominion or control over tangible property.
- F) The term "cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains: (a) any roll of tobacco wrapped in any substance not containing tobacco, or (b) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (c) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this definition. The term "cigarette" includes "roll-your-own" (i.e., any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes). For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."
- G) The term "cigarette-like product" means any modified or nonconventional product that resembles a cigarette but may not contain tobacco and/or may contain lower levels of nicotine or tar. "Cigarette-like product" shall not include a smoking cessation medication expressly approved by the U.S. Food and Drug Administration which is being used as part of a smoking cessation program.
- H) The term "electronic cigarette", also known as "e-cigarette", means any battery-powered device, which generally contains cartridges that may or may not be filled with nicotine in addition to flavoring and other chemicals, that provides inhaled doses of nicotine or other potentially harmful chemicals by delivering vaporized liquid solution to the user.
- I) The term "herbal cigarette" means any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.
- J) The term "herb" means any smokable plant product.
- K) The term "tobacco products" means one or more cigarettes or cigars, chewing tobacco, powdered tobacco or any other tobacco products.
- L) "School grounds" means (a) in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line

of a public or private elementary, parochial, intermediate, junior high, vocational, or high school, or (b) any area accessible to the public located within one thousand feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within one thousand feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

- M) The term "private club" means an organization with no more than an insignificant portion of its membership comprised of people under the age of eighteen years that regularly receives dues and/or payments from its members for the use of space, facilities and services.

Section 25.3 Permit Required

A) Every dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product in Dutchess County shall possess a valid Permit issued by the permit-issuing official for each location and/or event at which tobacco product, herbal cigarette, electronic cigarette, or any cigarette or cigarette-like product sales or distribution occurs. Private clubs are exempted from this Section and all other provisions of this Article.

B) Not less than 21 days before starting operation as a dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products, an application for a permit is to be submitted to the permit-issuing official. This application is to be completed in full on forms acceptable to the permit-issuing official. The application shall be accompanied by the prevailing fee.

C) Each Permit issued will expire two (2) years from the date of issuance, except as otherwise stipulated on the Permit. The Permit shall be phased in over a 12 month period with a staggered system in order to facilitate efficient renewals.

D) An application, completed in full, for renewal of a permit shall be made at least thirty (30) days prior to expiration of the current permit on forms acceptable to the permit-issuing official. An application for a renewal permit shall be accompanied by payment of the prevailing fee.

E) The Department may withhold, suspend, or revoke a Permit if it finds that:

- 1) the information submitted in the application is incorrect or incomplete; or
- 2) the fee for application and/or the Permit has not been paid as required; or
- 3) the applying Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product is not in compliance with all provisions of the New York State Tax Law Article 20 and the New York State Public Health Law Article 13-F; or
- 4) the applying Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product has not signed and returned the "Statement of Understanding and Responsibility of the New York State ATUPA Law" with the permit application.

Section 25.4 Standards and Requirements

- A) Any Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product shall comply with all provisions of the New York State Tax Law Article 20 and New York State Public Health Law Article 13-F.
- B) A valid Permit must be posted in a manner conspicuous to the public by the Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product at each location where tobacco product, herbal cigarette, electronic cigarette, or any cigarette or cigarette-like product sales or distribution occurs.
- C) In addition to the requirements of the ATUPA regulations, every dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product in Dutchess County shall conspicuously place a sign produced and supplied by the Dutchess County Department of Behavioral & Community Health stating "Tobacco Use Harms You and Loved Ones Now. It may Kill You Later", or other sign approved by the Commissioner of Behavioral & Community Health.

Section 25.5 Violations, Enforcement, and Penalties

- A) Selling, or the offering for sale, tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product without a valid and appropriately displayed permit constitutes a violation of this Article.
- B) Any Dealer of tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like products who is found not to be in compliance with all of the provisions of this Article and the New York State Public Health Law, in addition to any penalties under New York State Law, will also have their Dutchess County Permit suspended for a period of 48 hours after an administrative hearing has determined non-compliance. Tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product may not be sold or offered for sale while a permit is in suspension. Additionally, a sign shall be placed at the entrance of the business by the Department stating, "This business sold a tobacco product, herbal cigarette, electronic cigarette, or other cigarette product to someone under 18 years of age and may not sell these products on ____ and ____." (specified date and time)

Section 25.6 School Reporting

- A) Each school district, each school year, shall file with the Dutchess County Department of Health a written policy and procedure which will effect compliance with Article 13E, Public Health Law, and this Article. The policy and procedure shall be filed no later than the last day of September and shall include but not be limited to the following:

1. Name, business address and phone number of the school district Superintendent.
 2. Name, business address and phone number of the school district designated enforcement officer for each school.
 3. Procedure and method for providing training and educational material each school year to the school employees and students dealing with the requirements of Article 13E, Public Health Law, State of New York, and Article 25, Section 25.1, 25.6, 25.7, Dutchess County Sanitary Code.
 4. School district administrative process for enforcement of Article 13E and Article 25 to include but not be limited to the following:
 - a. Written documentation for each incident (violation) on a form provided by and/or approved by the Dutchess County Commissioner of Behavioral & Community Health or the appointed designee. Said form is to be kept on file by the school until the offender is no longer enrolled in the school district.
 - b. Procedures for and method of discipline and notification to the parent and/or legal guardian.
 - c. Procedure for referral to the Dutchess County Department of Behavioral & Community Health for enforcement after the third incident (violation) has occurred during the school year.
- B) Every middle and high school shall file with the Dutchess County Department of Behavioral & Community Health a report, two times each school year, on the violations of Article 13E, Section 1399-o, Public Health Law, and this Article, which occurred on school grounds. The report periods shall be September 1 to January 31, and February 1 to August 31, and shall include but not be limited to the following:
1. Number of persons who committed a violation.
 2. Number of separate violations for each person reported in Item 1.
 3. Sex and age of each violator.
 4. Location of each violation.
 5. Type of violation (smoking or possession)
 6. Type of tobacco product

Section 25.7 Possession and Use

Smoking shall not be permitted and no person shall use tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product on school grounds when school is in session, as well as during non-school hours. No one under 18 years of age shall be permitted to possess tobacco products, herbal cigarettes, electronic cigarettes, or any cigarette or cigarette-like product on school grounds when school is in session.

Section 25.8 Severability

If any clause, sentence, paragraph, subdivision, section, or part of this regulation or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order of judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this regulation, or its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order of judgment shall be rendered.

October 17, 2009